

New Shoreham Town Council Meeting
Wednesday, February 15, 2012
Town Hall, Old Town Road, Block Island
7:00 p.m.

Present: First Warden Kimberley H. Gaffett, Second Warden Raymond J. Torrey, Town Councilor Peter B. Baute, Town Councilor Kenneth C. Lacoste. Town Councilor Richard Martin was absent due to illness. Also present were Town Manager Nancy O. Dodge and Town Solicitor Katherine Merolla. Clerk Fiona Fitzpatrick was present to take the minutes of the meeting.

First Warden Gaffett called the meeting to order at 7:00 p.m.

Warden's Report: First Warden Gaffett reported Hannah Land, daughter of Finance Director Amy Land and Harbormaster Steve Land, was born last week and made her debut at Town Hall this morning. The state will offer free pertussis/flu vaccines in response to a whooping cough outbreak in Barrington. The Champlin's case is being moved to court in Kent County. A composting conference and trade show will be held February 22, 2012 in Pawtucket. The First Warden and other Council members will attend to learn more about municipal composting. Interstate Navigation has filed annual notice of the draft schedule for high speed ferry, it is essentially the same as last year. Second Warden Torrey reported 281 artists submitted applications for the Block Island Airport installation.

1. Tabled Item: Receive and act on Blake Filippi letter re: 2012 National Defense Authorization Act

Blake Filippi was present. A motion to approve was laid on the table at the last meeting.

Second Warden Raymond J. Torrey moved to take his motion from the table: To approve the resolution because it would condemn section 1021 of the 2012 National Defense Authorization Act. Motion seconded by First Warden Kimberley H. Gaffett.

Second Warden Torrey spoke against Section 1021 of the 2012 NDAA which allows the indefinite detention of US citizens on native soil. He said the act passed in Congress overwhelmingly with bipartisan support and Rhode Island's congressional delegation voted for the act. He said he would take the issue up with his Senator and Congressman and said the act is repugnant to a free society. Councilor Lacoste also spoke against the act. He presented an amended resolution.

Mr. Lacoste moved to amend the motion to "approval of a revised resolution in condemnation of section 1021 of the 2012 National Defense Authorization Act", seconded by Mr. Torrey.

Discussion ensued of the amended motion: Mr. Lacoste read his amended resolution. Mr. Lacoste's resolution eliminates some language and includes the following new language: "Whereas the claim in subsection 1021(e) that section 1021 does not "affect existing laws or authorities" relating to the detention of persons on U.S. soil, would be true if the office of President held such power by statute; and Whereas section 1021 (e) codifies the President's view as if it had always existed, authorizing detention of "persons" regardless of citizenship or where they are arrested, then says that the bill doesn't change that view when, in fact, our Constitution does not permit the federal government to detain American citizens indefinitely without charge or trial." Mr. Lacoste said the act far oversteps the rights of citizens. Council discussed the President's role in the bipartisan passage of the Act. Steve Miller and Martha Wilson spoke in support. The vote to amend was called.

Ayes: 3 (Torrey, Baute, Lacoste) Nays: 1 (Gaffett) Absent: 1 (Martin)

The amended motion was called: approval of a revised resolution in condemnation of section 1021 of the 2012 National Defense Authorization Act.

Ayes: 4 (Gaffett, Torrey, Baute, Lacoste) Nays: 0 Absent: 1 (Martin)

First Warden Gaffett said she preferred the first version of the resolution.

2. Act on HDC application for Spring House Pump House reconstruction

The Council received architectural drawings from Doug Gilpin. The building will be a replica shell; a secondary use is not planned and the Council is against a secondary use for the building due to safety concerns with traffic and parking on the Spring Street corner where the building is located.

Ms. Gaffett moved to authorize the Town Manager to sign the Historic District Commission application to reconstruct a replica of the Spring House Pump House based on the plans presented and noting the floor plan is open and does not support a secondary use. Motion seconded by Dr. Baute.

Ayes: 4 (Gaffett, Torrey, Baute, Lacoste) Nays: 0 Absent: 1 (Martin)

3. Receive and act on NS Police Department monthly report: January 2012

Dr. Baute moved to accept the report, seconded by Mr. Lacoste.

Ayes: 4 (Gaffett, Torrey, Baute, Lacoste) Nays: 0 Absent: 1 (Martin)

4. Boards, Committees and Commissions:

• Announce current Board, Committee and Commission openings

First Warden Gaffett announced vacancies on the Motor Vehicles for Hire Commission, the Harbors Committee, the Tourism Council, the Library Board and the Old Harbor Task Force.

• Consider establishing a Great Salt Pond ad hoc committee

Ms. Gaffett explained Ann Cunningham chaired the Great Salt Pond ad hoc committee which provided a chance for groups with an interest in the health of the GSP to work together to share data, information and plans and avoid duplicating work. The group disbanded several years ago. Ms. Gaffett said the Great Salt Pond is integral to the Island, stakeholders still need to work together but a formal ad hoc committee is not practical at this time. She said a moderated public meeting of stakeholders' representatives could provide the same benefits. She feels strongly that the Council should take a leadership role and should coordinate the groups; she offered to chair or moderate the meetings and contact the following groups for representation: Town Council, Committee for the Great Salt Pond, Shellfish Commission, Harbors Department, Sewer & Water Superintendents, Wastewater Management, Conservation Commission, Block Island Land Trust, Block Island Conservancy, The Nature Conservancy, US Fish & Wildlife, Block Island Maritime Institute, Block Island Club, Sunfarm Oysters, Chris Littlefield (aquaculturalist), marina operators and Great Salt Pond-based businesses, RI DEM, BI School science teacher Dr. Sue Gibbons and someone to represent kayakers and other people who recreate on or in the GSP.

Dr. Baute moved to authorize the First Warden to pull together a periodic meeting of stakeholders related to the Great Salt Pond for discussion of important issues as they are related to the health, stewardship and management of that waterbody. Motion was seconded by Mr. Torrey.

Ayes: 4 (Gaffett, Torrey, Baute, Lacoste) Nays: 0 Absent: 1 (Martin)

5. Correspondence: Scenic Block Island re: thank you for 350 fund contribution; US Dept. of Interior/BOEM re: Site Assessment Plans; Chris Warfel re: written complaint as follow up to verbal complaint regarding bidding.

The correspondence was noted; action was not needed and not taken.

6. Minutes: December 21, 2011, January 25, 2012, February 1, 2012 and February 6, 2012 open and closed session

Ms. Gaffett moved to approve the minutes of January 25, 2012, February 1, 2012 and February 6, 2012 open and closed session, seconded by Mr. Lacoste.

Ayes: 4 (Gaffett, Torrey, Baute, Lacoste) Nays: 0 Absent: 1 (Martin)

Mr. Torrey moved to approve the minutes of December 21, 2011 with changes discussed. Motion seconded by Mr. Lacoste.

Ayes: 4 (Torrey, Baute, Lacoste) Nays: 0 Absent: 1 (Martin) Abstain: 1 (Gaffett)

Public Comment:

Bruce Montgomery suggested the Council require Town boards and committees to take public comment at their meetings. The strobe on the tower at the Block Island Power Company is much brighter than usual and may be malfunctioning.

7. Report on litigation:

- **Status of TNS v. Filippi et al (WCSC 2004-0115) “Old Harbor Triangle”; (this discussion may be held in closed session pursuant to Rhode Island General Laws §42-46-5(a)(2) for sessions pertaining to litigation or pending litigation)**
- **Status of transfer station litigation (this discussion may be held in closed session pursuant to Rhode Island General Laws §42-46-5(a)(2) for sessions pertaining to litigation or pending litigation)**

At 8:30 Ms. Gaffett moved to enter closed session pursuant to Rhode Island General Laws §42-46-5(a)(2) for sessions pertaining to litigation or pending litigation, specifically to discuss the status of TNS v. Filippi et al (WCSC 2004-0115) “Old Harbor Triangle” and the status of transfer station litigation, seconded by Dr. Baute.

Ayes: 4 (Gaffett, Torrey, Baute, Lacoste) Nays: 0 Absent: 1 (Martin)

Mr. Lacoste moved to adjourn the closed session and seal the minutes, seconded by Mr. Torrey.

Ayes: 4 (Gaffett, Torrey, Baute, Lacoste) Nays: 0 Absent: 1 (Martin)

First Warden Gaffett noted for the record no motions were made during the closed session.

8. Completion of Town Manager evaluation [this discussion may be held in closed session pursuant to RIGL 42-46-5(a)(1)]

There was no discussion. The item will be discussed at 4:00 March 1 when the entire Council can be present.

At 8:50 a motion to adjourn was made by Mr. Lacoste and seconded by Mr. Torrey.

Ayes: 4 (Gaffett, Torrey, Baute, Lacoste) Nays: 0 Absent: 1 (Martin)

Minutes approved March 5, 2012

Town Clerk Fiona Fitzpatrick